

REMARKS

At the outset, applicants thank Examiner Wood for her time and consideration of the present application during the telephonic interview with Robert Madsen on July 27, 2006. Applicants also thank Examiner Wood for her suggestion for amending claims 31 and 70.

The application has been amended in a manner consistent with Examiner's suggestion and believed to place the application in condition for allowance at the time of the next Official Action.

Claims 31-70 remain pending. Claims 31-70 are amended. Support for the substantive amendments to claims 31 and 70 may be found generally throughout the specification, and in particular at page 11, line 34 to page 12, line 5. Claims 46, 49, 52, 55, 58, 61, 64 and 67 were withdrawn from further consideration as being drawn to a non-elected invention.

The Official Action rejected claims 31-45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 60, 62, 63, 65, 66 and 68-70 under 35 USC §112, first paragraph, as failing to comply with the written description requirement for reciting "at least a non-trace amount".

As suggested by the Examiner, claims 31 and 70 have been amended to recite "an amount greater than zero". Support for this recitation may be found generally throughout the specification, and in particular at page 11, line 34 to page 12,

line 5. Thus, the claims comply with the written description requirement.

Therefore, applicants respectfully request that the written description requirement rejection be withdrawn.

Claims 31-45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 60, 62, 63, 65, 66 and 68-70 were rejected under 35 USC §112, second paragraph, as being indefinite for the recitation of "at least a non-trace amount".

Claims 31 and 70 are amended to recite "an amount greater than zero", which is supported by the present specification for the reasons discussed above.

Therefore, applicants respectfully request that the indefiniteness rejection be withdrawn.

The Official Action did not impose any art rejection on claims 31-45, 47, 48, 50, 51, 53, 54, 56, 57, 59, 60, 62, 63, 65, 66 and 68-70.

At this time, applicants believe that a generic composition claim is in condition for allowance. As the withdrawn claims 46, 49, 52, 55, 61 and 67 are directed to a drug material comprising the generic composition, search and examination of generic claims would have included a search for a drug material comprising the generic composition. Accordingly, these claims meet the criteria for patentability in accordance with 37 CFR 1.104. Thus, applicants respectfully request that the drug

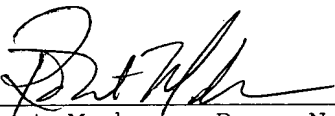
carrier material comprising the composition recited in claims 46, 49, 52, 55, 61 and 67 be rejoined at this time.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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